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Attorneys for Defendant
MARK ALFRED FIRST

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

| | | |
|---------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA, |) | NO: CR-07-00622(JF) |
| |) | |
| Plaintiff, |) | STIPULATION AND |
| |) | [PROPOSED] ORDER TO |
| vs. |) | CONTINUE DECEMBER 5, |
| |) | 2007 STATUS CONFERENCE |
| MARK ALFRED FIRST |) | AND EXCLUDE TIME |
| |) | |
| Defendant. |) | |
| <hr/> | | |

IT IS HEREBY STIPULATED by and between Assistant United States Attorney, Joseph Fazioli, counsel for plaintiff, and Richard P. Pointer, counsel for defendant, Mark Alfred First in the above mentioned case, that the status conference now scheduled for December 5, 2007 at 9:00 a.m., is continued to December 19, 2007, at 9:00 a.m., or as soon thereafter as is convenient to the Court.

It is agreed between the parties that the following reasons exist for this stipulation:

(1) Defense counsel is in trial in state court in the matter of People vs. Anthony Uckele, case number: CC633434.

No party objects to the requested continuance.

IT IS FURTHER STIPULATED that the time for trial under the Speedy Trial Act continue

1 to be excluded from December 5, 2007, through December 19, 2007, pursuant to 18 U.S.C. section
2 3161(h)(8) (A) and (B)(ii) and (iv), Local Codes T-2 and T-4.

3 IT IS SO STIPULATED.

4 Dated: November 26, 2007

5 _____
JOSEPH FAZIOLI
Counsel for Plaintiff

6 Dated: November 26, 2007

7 _____
RICHARD P. POINTER
Counsel for MARK ALFRED FIRST

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| UNITED STATES OF AMERICA, |) | NO: CR-07-00622 (JF) |
| |) | |
| Plaintiff, |) | |
| |) | ORDER CONTINUING |
| vs. |) | STATUS CONFERENCE |
| |) | AND EXCLUDING TIME |
| MARK ALFRED FIRST, |) | |
| |) | |
| Defendant. |) | |

Accordingly, for good cause shown,

IT IS HEREBY ORDERED that the status conference scheduled for December 5, 2007 is continued to December 19, 2007, at 9:00 a.m.

THE COURT FURTHER ORDERS time be excluded under the Speedy Trial Act from December 5, 2007 to December 19, 2007. The court finds, based on the aforementioned reasons, that the ends of justice is served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. section 3161(h)(8)(A) and (B)(iv).

SO ORDERED.

Dated: November____, 2007

JEREMY FOGEL
United States Judge